

IN THE SENATE OF THE UNITED STATES.

MAY 11, 1858.—Ordered to be printed.

Mr. JONES made the following

REPORT.

[To accompany Bill S. 326.]

The Committee on Pensions, to whom was referred the resolution of the legislature of Iowa, in relation to the pension of Catherine Dickerson, have had the same under consideration, and beg leave to report :

The case is one which, for a long time, occupied the attention of Congress, having been reported upon favorably four years ago. The legislature of Iowa, in which State Mrs. Dickerson now resides, have thought the case of sufficient importance to make it the subject of a joint resolution directing the attention of Congress to its justice.

The committee, upon thorough examination, fully concur in the views set forth by Mr. Williams in his report, submitted to the Senate June 22, 1854, and adopted them, as follows :

That petitioner, who is now very aged and infirm, is the widow of John Dickerson, deceased. That said John Dickerson was a soldier in the war of the revolution, (having served over four years in said war,) and drew a pension as an "indigent" up to the date of his death, which occurred on the 9th day of July, 1833. That, being ignorant of any provision of the law by which she could draw a pension as the widow of her said husband, she made no application for the same until during the year 1853. That she was, from the date of his death, in needy circumstances, and for eighteen years last past absolutely dependent upon charity, not only for subsistence and clothing, but for every attention which her age and infirmities made requisite. That in 1853 she, as above stated, applied for pension under the law of 1838, but owing to the want of the requisite proof of her marriage to John Dickerson prior to 1794, her application under said law was rejected, and she was, by the Commissioner, pensioned under the law of 1853, passed February 3, and after the date of her said application for the benefits of the act of 1838. That believing herself to be justly entitled to the five years' pension, as provided in the act of 1835, to date from 1836, she appeals her case to Congress, and now prays the passage of a special act instructing the Commissioner of Pensions to place her name on the rolls under the provisions of the first section of the act of July 7, 1838.

This case has been examined with care, and the committee are of opinion that the prayer of the petitioner ought to be granted for the following reasons :

1st. It is proven, by the records on file in the department, that her said husband was a soldier in our revolutionary struggle, and was honorably discharged ; and further, as appears from his own affidavit and the affidavit of a comrade, that he served four years from 1775, and was engaged in the battles of Brandywine, Germantown, Monmouth, and Stony Point.

2d. It is also of record that he was pensioned in 1829, at \$96 per annum, and received said pension to the date of his death, in 1833.

3d. The act of June 7, 1832, provides that each of the surviving soldiers of the war of the revolution, who served a term of two years or more in said war, be authorized to receive the amount of his full pay, in said service, during life. Clearly petitioner's husband was entitled under this act.

4th. The act of July 7, 1838, provides that "if any person who served in the revolutionary war in the manner specified in the act of June 7, 1832, (above recited,) have died, leaving a widow whose marriage took place after the expiration of his service, and before 1794, such widow shall be entitled to receive, for the term of five years, the pension to which her husband would have been entitled in virtue of said act," to commence on the 4th March, 1836. There is no limitation of the time allowed for making applications under this law, nor has the law ever been repealed or superseded. And the only question which can arise of the right of Mrs. Dickerson to claim under it is, "was she married to John Dickerson prior to 1794?"

5th. The evidence that Mrs. Dickerson was married prior to 1794, though not of the character required by the courts in civil cases, is, in the opinion of your committee, such as ought to be received and credited in a case like this, when an aged woman, (probably over eighty,) evincing that decay of faculties which age, hardship, and infirmity visit upon all, and removed to a new State, beyond all communication with those who survive of her acquaintances in early life, except by mail, and sixty years after the event, is called on to *prove* the day and date of her marriage. Mrs. D. acknowledges her inability even to *remember* the date of an event so important to herself ; but declares, positively, under oath, that it took place *three years before the birth of her eldest child, who was born in 1796*. This statement is borne out by the record of marriages and births in the "old family Bible," a transcript of which accompanies the papers, and of the genuineness of which the Commissioner of Pensions satisfied himself by comparing it with the original in the Bible itself.

It seems to your committee that the case of Mrs. D. is sufficiently made out ; and that under all the circumstances it would be a too stringent administration of the letter of the law, intended in its spirit to be an act of bounty, to require more in cases of this class. Mrs. D.'s character for truth and respectability, as also her age, necessities, and deservings, are certified to by gentlemen of the first reputation and position. Her tenure of life must, in the natural order of things, be almost at an end ; and as the claim she now presents seems to be

founded in equity, and to be well sustained by the law and the facts, your committee regard it both an act of justice and charity to grant her prayer, and enable her to spend her few remaining days in comfort. They, therefore, herewith report a bill giving her a pension, under the law of 1838, from the 4th of March, 1836, to the date of her pension under the act of 1853, as all the pensions granted under the said act of 1838, for a term of five years, were, by subsequent acts, renewed and continued.

All which is respectfully submitted.

